

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

DEQUE SYSTEMS INC.,
Plaintiff,

v.

BROWSERSTACK, INC., ET AL,
Defendant.

No. 1:24-cv-217-AJT-WEF

ORDER

This matter is before the Court on various sealing motions made by the parties in connection with their Motions for Summary Judgment and Browserstack's Motions *in Limine* (Dkts. 143, 148, 158, 167, 174, 182, 188, 205, 216). Pursuant to the Court's Order dated February 7, 2025 (Dkt. 255), the parties submitted revised sealing requests (Dkts. 279, 280, 288, 289) and a hearing on the Motions was held on March 7, 2025.

Upon consideration of the parties' submissions, the First Amendment sealing standard, and for the reasons stated in open court, it is hereby

ORDERED that that Court makes the following rulings as to the Motions (Dkts. 143, 148, 158, 167, 174, 182, 188, 205, 216):

**Dkt. 143 Defendants' Motion to Seal (RE Defendant's Motion for Summary Judgment) –
GRANTED as amended**

Ref. No.	Docket entry	Description	Status	Ruling
1	145	Unredacted brief in support of Defendants' Motion for Summary Judgment	Both parties sealing requests withdrawn	[Unredacted to be unsealed]
2	145-1	Unredacted Jain declaration	Defendants sealing request withdrawn	[Unredacted to be unsealed]

3	145-2	Ex. 8 Marton declaration (Barrell excerpts)	Plaintiff sealing request withdrawn	[Unredacted to be unsealed]
4	145-3	Ex. 9 Marton declaration (Kumar excerpts)	Plaintiff's request sealing of two customer names	GRANTED
5	145-4	Ex. 10 Marton declaration (Schneiderman excerpts)	Plaintiff sealing request withdrawn	[Unredacted to be unsealed]
6	145-5	Ex. 11 Marton declaration (Sinha excerpts)	Plaintiff sealing request withdrawn	[Unredacted to be unsealed]
7	145-6	Ex. 12 Marton declaration (000211 Appendix Speed Improvement Calculation)	Defendants sealing request withdrawn	[Unredacted to be unsealed]

Dkt. 148 Plaintiff's Motion to Seal (RE Plaintiff's Motion for Summary Judgment) – GRANTED as amended IN PART

Ref. No.	Docket entry	Description	Status	Ruling
8	150	Unredacted brief in support of Plaintiff's Motion for Summary Judgment	Both parties sealing requests withdrawn	[Unredacted to be unsealed]
9	150-1, 150-2	Ex. 1, 1a – 0000001 – Req. Doc.	Defendants maintain sealing request	GRANTED
10	150-3	Ex. 7 – unredacted Kumar declaration	Court ordered under seal	-
11	150-4	Ex. 12 – Arora deposition excerpts	Defendants proposed redactions (Dkt. 280-1)	GRANTED
12	150-5	Ex. 13 – Jain deposition excerpts	Defendants proposed redactions (Dkt. 280-2)	GRANTED EXCEPT to the extent that redacted material is already discussed in Summary Judgment opinion (Dkt. 237)
13	150-6	Ex. 14 – Doshi deposition excerpts	Defendants proposed redactions (Dkt. 280-3)	GRANTED
14	150-7	Ex. 15 – Sethi deposition excerpts	Defendants sealing request withdrawn	[Unredacted to be unsealed]

15	150-8	Ex. 16 – Shukla deposition excerpts	Defendants sealing request withdrawn	[Unredacted to be unsealed]
16	150-9	Ex. 17 – 0000030 “Accessibility Testing – Evaluation”	Defendants maintain sealing request	GRANTED
17	150-10	Ex. 23 – 0000202 – “Accessibility testing – Pricing page copy”	Defendants proposed redactions (Dkt. 280-4)	GRANTED
18	150-11	Ex. 24 – Deque proposal / quote	Court ordered under seal	-
19	150-12	Ex. 12 – Yenikomshian expert report	Defendants proposed redactions (Dkt. 280-5)	GRANTED
20	150-13	Ex. 28 – Deque document on IGT usage timeline	Defendants sealing request withdrawn	[Unredacted to be unsealed]

Dkt. 158 / 174 - Plaintiff's Motion to Seal (RE Plaintiff's Opposition to Defendants' Motion for Summary Judgment) – GRANTED as amended IN PART

Ref. No.	Docket entry	Description	Status	Ruling
21	160	Unredacted opposition to Defendants' Motion for Summary Judgment	Both parties' sealing request withdrawn [all designated by Defendants]	[Unredacted to be unsealed]
22	160-1	Ex. 3 – 0000653 - Financials	Court ordered under seal	-
23	160-2	Ex. 5 – Doshi deposition Excerpts	Defendants proposed redactions (Dkt. 280-6)	GRANTED
24	160-3	Ex. 6 – Deque R. 56 declaration	Defendants proposed redactions (Dkt. 280-7)	GRANTED
25	157-7 / 173	Ex. 7 – unredacted second supplement to Plaintiff's initial disclosures	Defendants proposed redactions (Dkt. 280-8)	GRANTED EXCEPT to the extent that redacted material is already discussed in Summary Judgment opinion (Dkt. 237)
26	160-4	Ex. 8 – Kahaian expert report	Court ordered under seal – Defendants proposed redactions (Dkt. 280-9)	GRANTED EXCEPT to the extent that redacted material is already discussed in Summary Judgment opinion

				(Dkt. 237)
27	160-5	Ex. 9 – 00000652 – Installs by region	Court ordered under seal	-
28	160-6	Ex. 10 – 0000017 – Financials	Court ordered under seal	-
29	160-7	Ex. 11 – Shukla depo excerpts	Defendants’ sealing request withdrawn	[Unredacted to be unsealed]

**Dkt. 167 - Defendants’ Motion to Seal (RE Defendants’ Opposition to Plaintiff’s MSJ) –
GRANTED AS AMENDED**

Ref. No.	Docket entry	Description	Status	Remarks
30	169	Unredacted Defendant’s opposition to Plaintiff’s Motion for Summary Judgment	Defendants proposed redactions (Dkt. 280-10)	GRANTED
31	169-1	Unredacted Appendix A to Defendant’s opposition to Plaintiff’s Motion for Summary Judgment	Defendants sealing request withdrawn	[Unredacted to be unsealed]
32	170	Unredacted Marton Opposition Declaration (Schneiderman deposition description)	Plaintiffs sealing request withdrawn	[Unredacted to be unsealed]
33	170-1	Ex. 19 to Marton Opposition Declaration (DEQUE000001-0000025)	Plaintiff requests redaction of revenue info / customer names only	GRANTED
34	170-2	Ex. 20 to Marton Opposition Declaration (Schneiderman deposition Excerpts	Plaintiff requests redaction of customer names only	GRANTED
35	171	Unredacted	Defendants propose	GRANTED

		Yenikomshian Declaration	redactions (Dkt. 280-11)	
36	171-1	Ex. 1 to Yenikomshian Declaration	Defendants sealing request withdrawn	GRANTED
37	172	Unredacted Jain Opp. Declaration	Defendants sealing request withdrawn	GRANTED

Dkt. 182 - Defendants' Motion to Seal (re Defendants' Motion for Summary Judgment) – GRANTED as amended IN PART

Ref. No.	Docket entry	Description	Status	Ruling
38	184	Unredacted memo in support of Defendants' Motion <i>in Limine</i>	Plaintiff requests redaction of customer names only	GRANTED
39	185	Unredacted Marton Motion <i>in Limine</i> declaration	Both parties' sealing requests withdrawn	[Unredacted to be unsealed]
40	185-1	Ex. 6 to Marton Motion <i>in Limine</i> declaration	Defendants propose redactions (same as Dkt. 157-7, Ref. No. 25) – (Dkt. 280-12)	GRANTED EXCEPT to the extent that redacted material is already discussed in MSJ opinion (Dkt. 237)
41	185-2	Ex. 12 to Marton Motion <i>in Limine</i> declaration (Kumar excerpts)	Plaintiff requests redaction of customer names only	GRANTED
42	185-3	Ex. 13 to Marton Motion <i>in Limine</i> declaration (Schneiderman excerpts)	Plaintiff withdraws sealing request	[Unredacted to be unsealed]
43	185-4	Ex. 14 to Marton Motion <i>in Limine</i> declaration (Sinha excerpts)	Plaintiff withdraws sealing request	[Unredacted to be unsealed]

Dkt. 188 – Plaintiff's Motion to Seal (Plaintiff's Reply in Support of Plaintiff's Motion for Summary Judgment) – DENIED AS MOOT

Ref. No.	Docket entry	Description	Status	Ruling
44	190	Unredacted reply in support of	Both parties' sealing requests withdrawn	[Unredacted to be unsealed]

		Plaintiff's Motion for Summary Judgment		
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Dkt. 205 – Plaintiff's Motion to Seal (Plaintiff's Opposition to Defendants' Motion in Limine – DENIED AS MOOT

Ref. No.	Docket entry	Description	Status	Ruling
45	207	Unredacted opposition to Defendants' Motion in Limine	Both parties' sealing requests withdrawn	[Unredacted to be unsealed]

Dkt. 216 – Defendants' Motion to Seal (Defendants' Reply in Support of Defendants' Motion in Limine) – GRANTED as amended

Ref. No.	Docket entry	Description	Status	Ruling
46	218	Unredacted reply in support of Defendants' Motion in Limine	Defendants proposed redactions (Dkt. 280-13). Plaintiffs also seek to redact only customer names	GRANTED
47	219	Ex. 2 to Marton Reply Decl. (DEQUE009921-9966)	Plaintiff withdraws sealing request	[Unredacted to be unsealed]

And it is further

ORDERED that the parties will re-file the above briefings and exhibits¹ as consistent with the Court's rulings within **seven (7)** days of the entry of this Order; and it is further

ORDERED that the parties will review, and if necessary, revise the pending Motions to Seal relating to the Motions for Attorneys' Fees and Reconsideration (Dkts. 246, 257, 264, 271, 282) as consistent with the Court's rulings above within **seven (7)** days of the entry of this Order.

ENTERED this 7th day of March, 2025.

¹ For the sake of simplicity, the parties are directed to refile all of the briefing related to the Motions for Summary Judgment and Browserstack's Motions in Limine consistent with this Order. The filing may be made in one docket entry if so desired.

William E. Fitzpatrick
WILLIAM E. FITZPATRICK
UNITED STATES MAGISTRATE JUDGE

Alexandria, Virginia